



Minutes
Town of Atlantic Beach, North Carolina
Town Council Meeting
Monday, July 26, 2010



The regularly scheduled meeting of the Atlantic Beach Town Council was held Monday, July 26, 2010 at 6:00 p.m. in the Council Meeting Room.

Members Present: Mayor Cooper, Mayor Pro Tem Harry Archer; Councilmembers: Ann Batt, Eddie Briley, and Vada Palma

Members Absent:

Others Present: David Walker, Town Manager; Derek Taylor, Town Attorney; Kelly Cyrus, Town Clerk; Marc Schulze, Public Services Director; Police Chief Smith; Sgt. Sherrie Culpepper; Marine Patrol Officer Jay Smith; Fire Chief Snyder

CALL TO ORDER AND ROLL CALL

Mayor Cooper called the meeting to order at 6:00 p.m. Kelly Cyrus, Town Clerk took roll call.

PLEDGE OF ALLEGIANCE and INVOCATION

Mayor Cooper led the assembly in the Pledge of Allegiance and a Moment of Silence.

Councilmember Briley made a motion *to excuse* Councilmember Ide from the meeting. Seconded by Councilmember Batt. Vote was unanimous, 4-0. Motion carried.

APPROVAL OF AGENDAS

Mayor Pro Tem Archer made a motion *to approve* the Consent Agenda as written. Seconded by Councilmember Briley. Vote was unanimous, 4-0. Motion carried.

Councilmember Palma made a motion *to amend* the Agenda by moving Presentation Item #2 to Presentation Item #1 and *to approve* the Agenda as amended. Seconded by Councilmember Batt. Vote was unanimous, 4-0. Motion carried.

CONSENT AGENDA

All items listed below are considered to be routine and will be enacted by one introduction/motion/second/roll call vote. There will be no separate discussion of these items unless a Council Member so requests, in which event the item will be removed from the Consent Agenda and considered separately.

1. Tax Collection Report
2. Budget Transfers
3. Budget Amendment #1
4. Financial Reports
5. Annual Tax Order of Collection
6. Annual Tax Settlement Report
7. Tax Refunds
8. Surplus Auction Report
9. Resolution 10-07-01: Approval for Posting of "NO PARKING" Signs on West Drive with Revision of the Atlantic Beach Traffic Schedule
10. Resolution 10-07-02: Approval for Posting of "NO PARKING" Signs on West Terminal Boulevard with Revision of the Atlantic Beach Traffic Schedule
11. Proposed Ordinance 10-07-01: Amendments to Chapter 10, Motor Vehicles and Traffic of the Code of Ordinances of the Town of Atlantic Beach, North Carolina
12. Town Council Minutes

(Clerk's Note: a copy of Consent Agenda items are hereby attached and therefore made a part of these minutes)

CITIZEN REQUESTS/COMMENTS

James Newman Willis, III - 104 Atlantic Beach Causeway, Atlantic Beach, NC

- In 1971, Atlantic Beach received free sand because the property owners took their request straight to Congress and not to the Army Corps of Engineers like it is being done today.
- Recommended Council to perform a survey of the town's residents in order to determine how much sand needs to be dredged and take the data and any requests directly to Congress bypassing the Army Corps of Engineers.

PRESENTATIONS

1. Atlantic Beach Junior Lifeguard Program

Presented by: Fire Chief Snyder

Fire Chief Snyder opened the presentation by giving a brief overview of the Junior Lifeguard pilot programs that took place this summer. He explained the activities, drills, and classes that were incorporated into the program and the CPR certifications that were attained by the participants. Chief Snyder thanked the Council for their support and various local businesses for their generous contributions and donations that led to the overall success of the programs and stated that his office is currently receiving calls for prospective students for next year's programs.

2. Atlantic Beach National Night Out

Presented by: Police Chief Smith/Sgt. Sherrie Culpepper

Police Chief Smith began the presentation by explaining that National Night Out is a national event where law enforcement agencies come together with their respective communities to promote neighborhood spirit and police-community partnerships in the fight for a safer nation beginning with individual communities. At this time, Chief Smith turned the presentation over to Sgt. Sherrie Culpepper, National Night Out Coordinator.

Sgt. Culpepper advised that this year's National Night Out is going to be held on Tuesday, August 3, 2010 from 6:30 - 8:30 p.m. in the parking lot of the Coral Bay Shopping Center. Sgt. Culpepper noted that the activities will be located closer to the new park facility. Sgt. Culpepper proceeded to touch on the current revenues/donations and expenditures for this year's event. A total of \$2,500.00 in monetary donations from 19 local businesses had been received thus far; gift give-a-ways from 9 local businesses with an approximate value of \$600.00; with departmental expenditures at approximately \$2,800.00.

Sgt. Culpepper encouraged not only the public to come out and enjoy the events and get to know their police department but also the Council and staff.

3. Town-wide Project Status Update

Presented by: Marc Schulze, Public Services Director

Marc Schulze, Public Services Director provided an overview and update of the various town-wide projects.

- West End Sidewalk Project:
 - Plans for the extension on the west end of town have been accepted by NC Dept. of Transportation
 - Currently a bid package is being put together to solicit bids
 - Anticipate construction to begin soon after the Labor Day holiday
 - \$80,000.00 in federal grant monies allocated for the project
- Atlantic Beach/Pine Knoll Shores Water Tie-In Project:
 - Constructed began July 12, 2010
 - Construction stopped; rescheduled for September 13, 2010 (due to repair of inferior pipe connection)
- Water System Assessment:
 - Draft report was received July 24, 2010
 - Final report should be in tentatively around August 13, 2010
- Stormwater Projects:
 - West Bogue area:
 - The hydraulics have been completed
 - Regulatory contacts are being made currently
 - Expectation date of draft plan - late August, 2010

- Club Colony area:
 - Rain garden plans have been designed for this area
 - Ready to construct, but slowed due to awaiting allocation of grant monies of approximately \$8,500.00 (more than ½ of total project cost)
- Paving Projects:
 - Street paving and asphalt repairs have begun on:
 - Moonlight Drive
 - East Bogue Blvd.
 - Fort Macon Road
 - Lee and Beachwood Drives

ACTION AGENDA

1. Proposed Resolution 10-07-03: Approval for the Posting of “No Parking between the Hours of 11:00 p.m. and 5:00 a.m.” Signs at the Moonlight Drive Boat Ramp with Revision of the Atlantic Beach Traffic Schedule

Presented by: Police Chief Smith

Mayor Cooper opened the floor for public comment on the proposed resolution. He proceeded to read into the minutes written comments by way of letters sent to the Town from Matt Lamb, owner/operator and Ray and Susan Lamb, owners of Chasin’ Tails Outdoors Bait and Tackle who are in favor of designated parking spaces for the area of the Moonlight Drive boat ramp.

Mayor Cooper read into the minutes a letter from Mr. Grady Robbins, property owner of 219 Moonlight Drive, Atlantic Beach who is in favor of “30 Minute Parking Only” or the return of ownership of the boat ramp to the residents of Moonlight Drive/Smith Street neighborhoods as it was prior to the Town’s ownership.

(Clerk’s Note: a copy of the written comments are hereby attached and therefore made a part of these minutes.)

Mayor Pro Tem Archer acknowledged a letter that he has received on July 12, 2010 from Mr. Richard Broughton of 219 Moonlight Drive, Atlantic Beach, NC. Mayor Pro Tem Archer made a request for the letter to be included into the minutes.

PUBLIC COMMENTS:

Joe Shute, owner of Capt. Joe Shute’s Bait & Tackle - 601-H Atlantic Beach Causeway, Atlantic Beach, NC 28512

- request Council to address the parking situation at the Moon light Drive boat ramp
- request Council to rescind the recently approved resolution specifying “30 Minute Parking Only” at the boat ramp
- request area to have designated parking spaces
- in favor of the proposed resolution of restricted parking hours
- requests to leave the ramp open if possible

(Clerk’s Note: Petition from Mr. Shute is hereby attached and therefore made a part of these minutes.)

George Sunderland - 316 West Bogue Blvd., Atlantic Beach, NC

- Feels parking should be on a 1st Come - 1st Serve basis

Richard Broughton - 201 Brandywine Place Drive, Morehead City, NC

- Feels the ramp is handicap accessible
- in favor of proposed ordinance

Larry Stephenson - 214 Moonlight Drive, Atlantic Beach, NC

- Advised the original design of the boat ramp was for use by the residents of the park
- People are not using common sense in parking in this area
- in favor of thirty (30) minute parking

Alex Rickard - 3013 Old Gate Road, Morehead City, NC

- opposes proposed ordinance
- questioned the implication of the proposed ordinance as to whether it is just no parking between the stated hours or if it also means no use of the ramp during those hours
- requested Council before making any decisions on this issue to consider the non-resident users of the ramp

Ron McPherson - 221 Moonlight Drive, Atlantic Beach, NC

- Advised that back in 1967, the ramp in question was an amenity for only the park residents
- Sometime after 1982, the Mayor at that time made a request of Council to accept the ramp at town property
- Feels the proposed ordinance is misleading to the point where it was thought that, in addition to no parking during the restricted hours, there also was no ramp usage during this time
- Opposes the proposed ordinance as written as just no parking
- Feels Council needs to decide whether they just want no parking or no ramp usage in addition to no parking.

James Newman Willis, III - 104 Atlantic Beach Causeway, Atlantic Beach, NC

- Questioned the Council and Town Attorney as to whether the town or a community association owe an easement for ingress/egress of the boat ramp and parking issue
- Questioned ownership of the ramp

Susan Lamb, owner - Chasin' Tails Outdoors Bait & Tackle, Atlantic Beach, NC

- in favor of the proposed ordinance
- request Council to rescind the newly adopted "30 Minute Parking" resolution
- has petition

(Clerk's Note: The petition from Mrs. Lamb is hereby attached and therefore made a part of these minutes.)

Matt Tynes - property owner - Coastal Mobile Home Park

- acknowledged parking is an issue
- request consideration to minimize the amount of restrictions put on the boat ramp and immediate area

Andy Webb - 223 Smith Street, Atlantic Beach, NC

- traffic is backed up while the boaters who are causing the problems are out fishing
- alot of property damage has been done in the area due to the congestion
- in favor of the proposed ordinance

Bill Buie - 227 Moonlight Drive, Atlantic Beach, NC

- in favor of the newly adopted "30 Minute Parking Only" resolution
- acknowledge that parking is the issue and restricts traffic on Moonlight Drive

Mayor Cooper thanked all the speakers for their comments. He noted that from the information provided to him from staff, the police dept., and residents that the main problem is vehicles blocking the street.

At this time, the Mayor and Council held a discussion on how many vehicles with trailers can realistically be parked at the boat ramp, the decision to just have no parking during the restricted hours or to include no boat ramp usage, the actual ownership of the boat ramp and whether or not any Council members were ready to take action on the issue.

Mayor Cooper advised that the Council needed to coordinate with the police department on the best solution and suggested to table the issue until the regularly scheduled August Town Council meeting.

Mayor Cooper called for a ten (10) minute recess.

7:25 p.m. - Ten (10) minute recess.

7:35 p.m. - Reconvened.

2. Proposed Ordinance 10-07-02: Amendment to Chapter 5, Beach and Shoreline Regulations

Presented by: Police Chief Smith/ABPD Marine Patrol Officer Jay Smith

Jay Smith, Marine Patrol Officer explained that the language in the current ordinance is very broad with reference to watercraft vehicles. He advised that the proposed amendment would change the ordinance to be inclusive of all water vessels (not just personal watercraft) and extend the authority of No Wake enforcement for the approved areas which would be property marked by signs and/or bouys.

Mayor Pro Tem Archer made a motion *to approve* Ordinance 10-07-02. Seconded by Councilmember Batt. Vote was unanimous, 4-0.

(Clerk's Note: All Action Agenda supporting documents are hereby attached and therefore made a part of these minutes.)

TOWN ATTORNEY REPORT

Town Attorney had no report.

TOWN MANAGER REPORT

Town Manager complimented the department heads of the police department, fire department and public services department on the excellent presentations.

MAYOR/COUNCIL REQUESTS/COMMENTS

Councilmember Palma:

- Asked that everyone be cognizant of the town's appearance and cleanliness with regards to dogs.

Councilmember Briley:

- Commented that Council will look after the citizens and property owners and will promote the town properly.
- Feels the issues at hand regarding the Moonlight Drive boat ramp can be worked out.

Councilmember Batt:

- Thanked everyone for attending and Officer Smith on his hard work on the No Wake ordinance.

Mayor Pro Tem Archer:

- Acknowledged his appreciation and thanks to Leghe Gerald of the Public Service dept. for going above and beyond the call of his duty to assist citizens in their time of need.

Mayor Cooper:

- Stated that he will be sending a letter to local business owners to solicit ideas on what the town can do and/or suggestions for any improvements.

ADJOURNMENT

There being no further action taken or business before the Town Council, Councilmember Briley made a motion *to adjourn* the meeting. Motion was seconded by Councilmember Palma. Vote was unanimous, 4-0. It was 8:06 p.m.

These minutes were approved at the August 23, 2010 meeting of the Atlantic Beach Town Council.

Submitted by:

Kelly L. Cyrus, Town Clerk

TOWN OF ATLANTIC BEACH

A. B. Cooper, III - Mayor